

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT COOK, et al.,

Plaintiffs,

v.

KELLOGG COMMUNITY CREDIT  
UNION, et al.,

Defendants.

Case No. 1:23-cv-843

HON. JANE M. BECKERING

**ORDER**

This is a civil action filed by *pro se* litigants. Defendants Kellogg Community Credit Union and Tracy L. Miller filed a Motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6) (ECF No. 7). Defendant Matthew F. Burns filed a Motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (ECF No. 13). In addition, Defendant Burns also filed a Motion to dismiss under W.D. Mich. LCivR 41.1 (ECF No. 17, amended by ECF No. 18). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (ECF No. 20) on June 26, 2024, recommending that the motions to dismiss for lack of jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1) (ECF Nos. 7 & 13) be granted, Defendants Paul K. Beardslee and Steven L. Hinkley be dismissed sua sponte for lack of subject matter jurisdiction, and the case be terminated. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF. No. 20) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motions to dismiss for lack of jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1) (ECF Nos. 7 & 13) are GRANTED for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that the Motion to dismiss under W.D. Mich. LCivR 41.1 (ECF No. 17, amended by ECF No. 18) is DISMISSED as moot.

**IT IS FURTHER ORDERED** that Plaintiffs Robert Cook and Lisa Cook's claims against Defendants Kellogg Community Credit Union, Matthew F. Burns, Tracy L. Miller, Paul K. Beardslee, and Steven L. Hinkley are DISMISSED for lack of subject matter jurisdiction.

A Judgment will be entered consistent with this Order.

Dated: July 31, 2024

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge